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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,825	03/15/2002	Allen Ray Harrison	59.0044	2684

7590 07/12/2006

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/099,825	HARRISON ET AL.	
	Examiner	Art Unit	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Petition to revive was granted on 20 April 2006. The Applicant amended claims 1, 2, 13, and 14 and newly added claims 15-19. All pending claims 1-19 were examined in this final office action necessitated by amendment.

Response to Arguments

Pertaining to Rejection under 35 USC 101 in previous office action

Rejection under 35 USC 101 is withdrawn.

Pertaining to Rejection under 35 USC 103(a)

Applicant's arguments filed 09 January 2006 have been fully considered but they are not persuasive. Henson in view of Greef teach ranking/sorting advise based on customer requirements. A customer selecting a computer and monitor is doing so due to a requirement that utilizes a computer that must provide particular display characteristics (i.e. customer selects a particular computer and color monitor). Greef further teaches low cost or durability as customer requirements.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-18 are rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #20050202, US 6,167,383), in view of Greef (Paper #20050202, US 6,032,129).**

Henson teaches a system and method of providing sales advise on simple and complex products and pricing associated with each product or product configuration. Henson teaches providing the virtual shopper with alert notifications as to potentially problematic product options (please note examiner's interpretation: system is providing advise to the shopper) (e.g. long lead time resulting in shipment delays) (see at least abstract: Fig. 1(18, 28, 32, 34); col. 1, line 15 through col. 3, line 54; col. 6, lines 44-67; col. 8, lines 7-33). Henson further teaches the following:

- Receiving a request from the user regarding two or more elements in the catalog; retrieving information about each of the elements: (see at least Fig. 3A (77, 79, 75); col. 6, lines 18-30).
- Determining if the product is simple; if not simple, then obtain pricing input from a pricing modules: Inherent in Henson are the structures necessary

to permit the function to be performed. For example, Henson displays pricing on simple and complex products as noted above.

- Prompting the user to input additional information based upon the advisory input and pricing input: “Help Me Choose” icon prompts shopper to click; “Lead Time Warning” icon prompts shopper to click (see at least Fig. 3c (76); col. 6, lines 18-67).
- System components: online store, databases, customer relationship management (e.g. customer set or Premier pages), Internet connectivity, web browsers, interface to database (e.g. cart, configurator, check-out) (see at least Fig. 1 (18, 22, 26); col. 4, line 53-col. 6, lines 17; col. 14, lines 35-61); correlation engine- Henson inherently discloses the structure that permits the function to be performed (e.g. computer product requires memory, input devices; long lead-time warning for one system component delays shipment beyond normal shipping dates).

Henson teaches all the above as noted under the 103(a) rejection but does not disclose ranking advisory input. Greef teaches online shopping, browsing through a catalog and providing customer-centric sales advise strategies. Greef teaches a) affinity as determining numerical strength that represents the strength of an association between the customer persona and the catalog content, b) affinity ordering of content in a shopper’s browser, and c) providing navigation advise that locates products, advise on features, function and application advise,

and further teaches sort/ranking advise based on customer purchasing criteria data (e.g. low cost, durability) (see at least abstract; col. 3, lines 19-50; col. 4, lines 16-24; col. 5, lines 20-30). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Henson to provide the shopper with rank/sorted advise as taught by Greef, in order to provide customer-centric sales advise strategies, and thereby attract customers to the service.

Henson teaches all the above as noted under the 103(a) rejection but does not disclose using a correlation engine. Greef teaches all the above as noted under the 103(a) rejection and teaches ranking/sorting based on customer requirements, affinities, and associating products with customer personas (see at least col. 3, line 62 through col. 4, line 14) (please note: correlating products with customer requirements). Therefore it would have been obvious to one ordinary skill in the art at time of the invention to modify the system and method of Henson to disclose affinities and associating products with customer personas as taught by Greef, in order to correlate products with customer requirements.

Pertaining to apparatus and system Claims 1-12

Rejection of Claims 1-12 is based on the same rationale as noted above.

2. **Claim 19 is rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #20050202, US 6,167,383) and Greef (Paper #20050202, US**

6,032,129) as applied to claim 18, further in view of Official Notice (regarding within the skill).

Henson and Greef teach all the above as noted under the 103(a) rejection and teaches weighting factors (i.e. 60% Captain Kirk, 20% Spock), but does not disclose a weight formula $R_a = WF_1(X, Y, Z, \dots) * WF_2(S, T, U, \dots)^*$. The Examiner takes the position that one of ordinary skill in the art recognizes the Applicant's formula as a generalized formula for ranking items based on multiple weighting factors. Therefore it would have been obvious to modify the system and method of Henson and Greef to disclose a generalized formula for items based on multiple weighting factors as taught by Official Notice, in order to convey how weighting factors are applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
July 9, 2006